



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18197 of 2021

Rajesh

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
(Cr.No. 99 of 2021).

... Respondent/Complainant

For Petitioner : M/s.KARUNANITHI.M,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 99 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act in Crime No.99 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that on secret information, when the respondent police went to inspect near Thirali Bus Stop on 15.04.2021, at about 12.00 hours, the petitioner along with his mother, on seeing the police officials tried to flee away from the scene of occurrence. At that time, the police officials intercepted them and recovered 2 ½ kgs of ganja. Hence, the complaint.

4. This petitioner moved anticipatory bail earlier, which came to be dismissed by this Court on 24.09.2021, considering the antecedent of the petitioner.

5.Now, the learned counsel for the petitioner submits that the petitioner is a graduate and he has not involved in any other offence.



6.Considering the said submission that the petitioner is a graduate and he has not involved in any offence, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thirumangalam, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity. Further, the petitioner shall file an affidavit before the concerned Magistrate Court that he and his mother will not involve in any offence in future and if any offence is committed by his mother, he will inform the same to the police.

[b]the petitioner shall report before respondent police daily at 10.30 a.m, until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE NO.I
THIRUMANGALAM, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.KARUNANITHI, Advocate SR.No.9292

ORDER

IN

CRL OP(MD) No.18197 of 2021

Date :14/12/2021

SA/VR/SAR.4/21.12.2021/3P/6C